

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE

Plaintiff,

v.

HAVERFORD COLLEGE

Defendant.

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: CIVIL ACTION NO.
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: No. 2:23-cv-00299-GAM
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AFFIDAVIT OF TOM DONNELLY

I, Tom Donnelly, declare as follows:

1. I am the head coach of the men's varsity track and field team at Haverford College.
I have personal knowledge of the following statements.
2. In my role as head coach, I am charged with establishing a positive competitive environment that fosters the intellectual, physical, and personal development of the student-athletes on the track and field team.
3. Plaintiff John Doe was on the roster for the track and field team for the 2020 and 2021 seasons.
4. In February 2022, co-captains of the team reported to me that they had concerns regarding Doe's presence on the team based on the co-captains' personal observations of what they deemed to be Doe's offensive behaviors toward women. At that time, the co-captains also expressed concerns they had that Doe may have engaged in sexual misconduct. The co-captains indicated that they were uncomfortable participating on a team with Doe given their concerns.

5. I am not aware of any formal complaint, investigation, finding, or sanction being applied to Doe under the Sexual Misconduct Policy.

6. I discussed the co-captain's concerns with Doe in February 2022. Doe agreed to voluntarily step away from the team at that time.

7. I agreed with Doe's decision to leave the team because his interactions with his teammates and his presence on the team had become a distraction to the team's ability to perform in a positive competitive environment, as team cohesion is a crucial component of success. I believed that Doe's departure from the team was in the best interest of Doe and his former teammates.

8. During the Spring 2022 season, Doe requested to rejoin the team.

9. I discussed Doe's request with the team members and co-captains to determine whether this was a feasible option.

10. A significant number of Doe's former teammates told me that they were deeply uncomfortable with Doe rejoining the team. Many said they would quit the team if Doe were reinstated.

11. I decided that Doe's participation on the team would negatively impact the team atmosphere and severely hinder or eliminate the team's ability to perform to their fullest potential.

12. In late March 2022, I participated in a meeting between myself, Doe, the team co-captains, and several College officials. During this meeting, the co-captains repeated their concerns about Doe's presence on the team. I upheld my decision that Plaintiff would not be permitted to rejoin the team at that time.

13. I participated in another facilitated discussion with Doe on October 24, 2022 regarding his desire to rejoin the team.

14. Following a separate facilitated discussion between Doe and the co-captains, the co-captains informed me that based on their interactions with Doe during the facilitate discussion, their longstanding concerns regarding Doe's presence on the team had not changed.

15. Based on my discussion with Doe, my discussions with the co-captains and team members, and my own personal observations regarding the team's dynamics, I determined that it was in the best interest of all involved to decline Doe's request to rejoin the team.

16. My options were to allow Doe to join the team, which would have made Doe happy but would have upset, and likely derailed, the entire rest of the team, or to exclude Doe from the team, which I knew would upset Doe, but would give the team a better chance to succeed.

17. My decision was not meant to be punitive to Doe, but instead was a necessary operational decision to pursue optimal team performance.

18. My decision was not based on any assessment of whether Doe had, or had not, engaged in conduct which, if true, would have violated Haverford's Sexual Misconduct Policy. It was based entirely upon my deep and sincere concern that allowing Doe to rejoin the team would negatively impact team performance and become a untenable distraction.

19. The regular, non-championship competition season for the indoor track and field team runs approximately ten weeks from December 9, 2022 to February 18, 2023. An accurate schedule for the competition season is publicly available on the College's athletics website here: <https://www.haverfordathletics.com/sports/mtrack-ind/2022-23/schedule>.

20. When Doe filed his Complaint and Motion for injunctive relief on January 25, 2023, more than half of the regular, non-championship competition season had lapsed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of February, 2023.


Coach Tom Donnelly